IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

–

**WRIT PETITION NO : 29510 of 1997**

Between:

1. Boppana Venkata Ramana, s/o Arjuna Rao

aged about 33 years, r/o Kothapeta,Avanigadda

Mandal, Krishna District.

2. Adusumalli Gopalakrishna Murthy,

s/o Venkaiah, aged about 44 years,

r/o II Ward, Avanigadda, Krishna District.

3. Puligadda Venkata Swamy s/o Basavaiah,

aged about 42 years, r/o Avanigadda,

Krishna District.

4. Bade Srinivasa Rao s/o Raghavaiah,

aged about25 years, r/o Avanigadda,

Krishna District.

5. Boppana Arjuna Rao, s/o V.Subbaiah,

aged about 50 years, r/o Avanigadda,

Krishna District.

6. Puligadda Bhaskara Rao s/o Raghavaiah,

aged about 45 years, r/o Avanigadda,

Krishna District.

7. Adusumalli Venkateswara Rao,

s/o Venkaiah, aged about40 years,

r/o Avanigadda, Krishna District.

8. Yelavarthi RajaNaga Muneswara Rao

s/o Chalamaiah, aged about 42 years,

r/o Avanigadda, Krishna District.

9. Kamisetti Siva Nageswara rao s/o

Venkatanarayana, aged about 40 years,

R/o Mopidevi, Avanigadda Mandal,

Krishna District.

**.... PETITIONERS**

AND

1. The Superintending Engineer, R&B Division

Eluru, West Godavari Division.

(dismissed for default as per Court orders on4.9.2000 as against R.1 and R.3

2. The Collector, Krishna, Chilakalapudi, Machilipatnam.

3. The Sub Collector, Vijayawada, Krishna District.

4. The Secretary, Zilla Parishad, Krishna, Chilakalapudi,

Machilipatnam.

5. The Executive Engineer, R&B, Machilipatnam, Krishna District.

6. The Executive Engineer,R&B, Eluru Division, Eluru, West

Godavari Division.

7. The Executive Engineer, Panchayat raj, Chilakalapudi,

Machilipatnam, Krishna District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in insisting upon submitting the Tax Clearance Certificate from the Commercial Tax Department along with the submission of Tenders and non supply of Tender schedules and tender Forms on that ground is arbitrary, illegal capricious and violtive of all canons of law and justice and consequently direct the respondents not to insist upon submission of Tax Clearance Certificate along with the application for Tender Schedules and Tender Forms and receive the same thereafter.

**Counsel for the Petitioners: MR T.S.Anand(Not present)**

**Counsel for the Respondent: G.P for Panchayat Raj(not present)**

**The Court made the following:**

**ORDER:**

By this Writ Petition the petitioners, in effect, seek a direction to the respondents not to insist them for production of Commercial Tax Clearance Certificate from Commercial tax Department at the time of allotment of works or issuance of tender schedules in connection with all tender notices scheduled to be issued and thereafter.

None appears for the petitioners as well as the respondents.

While admitting the Writ Petition on 10.11.1997, this Court passed interim order

in W.P.M.P.No.34472 of 1997 directing the respondents not to insist the petitioners for production of the Commercial Tax Clearance Certificate from the Commercial Tax Department at the time of allotment of works or issuance of tender schedules.

The main relief and the interim relief sought for by the petitioners are one and the same. It is not known whether by virtue of the interim order, the case of the petitioners has been considered. Be that as it may, by virtue of interim order, which is akin to the main relief, no orders are required to be passed in this Writ Petition.

Accordingly, the Writ Petition is dismissed as having become infructious. No costs.

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30-03-2005

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To

1. The Superintending Engineer, R&B Division

Eluru, West Godavari Division.

2. The Collector, Krishna, Chilakalapudi, Machilipatnam.

3. The Sub Collector, Vijayawada, Krishna District.

4. The Secretary, Zilla Parishad, Krishna, Chilakalapudi, Machilipatnam.

5. The Executive Engineer, R&B, Machilipatnam, Krishna District.

6. The Executive Engineer,R&B, Eluru Division, Eluru, West Godavari Division.

7. The Executive Engineer, Panchayat raj, Chilakalapudi, Machilipatnam, Krishna District.

8. 2 CCs to G.P.for Panchayat raj, High Court Building, Hyderabad (OUT)

9. 2 CD copies.